

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GE SEACO SRL,

Plaintiff,

- against -

ONTO SHIPPING INTERNATIONAL INC.

Defendant.

JOHN G. KOELTL, District Judge:

In response to the Court's Order to show cause why the maritime attachment in this case should not be vacated pursuant to Shipping Corp. of India v. Jaldhi Overseas Pte Ltd., Nos. 08 2477 Civ., 08 3758 Civ., 2009 WL 3319675, at *11 (2d Cir. Oct. 16, 2009), and the Complaint dismissed without prejudice, the plaintiff argues that: (1) Jaldhi should not be applied retroactively and (2) the funds in this case are no longer Electronic Fund Transfers ("EFTs") and, thus, not subject to Jaldhi. These arguments have no merit.

First, the Court of Appeals for the Second Circuit recently decided that Jaldhi applies retroactively because jurisdictional rulings may never be made prospective only. Hawknet, Ltd. v. Overseas Shipping Agencies, No. 09 2128 Civ., 2009 WL 3790654, at *2 (2d Cir. Nov. 13, 2009).

Second, the fact that the funds are no longer in transit does not remove this case from the scope of Jaldhi. The fact remains that there was no property of the defendant that could

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MEMORANDUM OPINION
AND ORDER

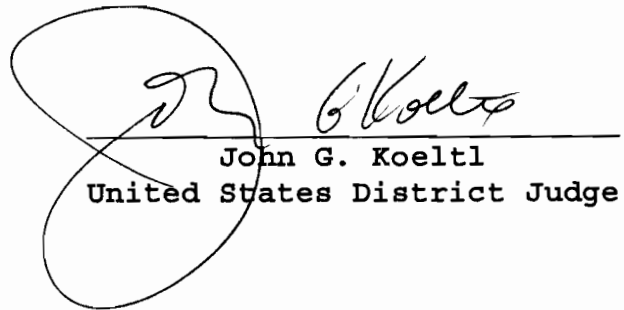
have been attached in the first instance. No alchemy by the bank transformed EFTs that cannot be attached into property of the defendant that can be attached.

The Court has carefully considered all of the arguments presented. To the extent not specifically addressed in this Opinion they are either moot or without merit. For the reasons stated above, the maritime attachment in this case is **vacated**. The Clerk is directed to **dismiss** the Complaint **without prejudice** and to close this case.

SO ORDERED.

Dated: New York, New York
November 14, 2009

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John G. Koeltl
United States District Judge